

The Cairo Evening Bulletin.

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JOHN H. OBERLY & CO

THE LAW OF LIBEL.

The committee, appointed by the Press Association of Illinois, at the session held in this city last April, have memorialized the Constitutional Convention to make certain changes in the law of libel, which, it is thought, the spirit of the times demands. We have heretofore published the memorial, and to-day lay before our readers the opinions of such papers as have commented on the action of the committee.

We have no doubt that those lawyers who cling to the musty traditions of the past, and meet every proposition of law-reform with the violent clamor of boisterous denunciation, will resist the making of the proposed changes; but that any fair-minded citizen can fall in with these legal fossils we cannot believe.

As the law stands at present in Illinois, an editor who endeavors to be a faithful chronicler of passing events, is at the mercy of every legalist who wishes to pursue him with hatred or rob him under the forms of law. Editors are not infallible, but are, indeed, as liable to be deceived by false representations and sensational reports as other mortals. They often publish, without malice, and believing them true beyond any doubt, reports of events, which subsequent developments prove to have no foundation in truth. The editor may then retract—apologize—make all possible reparation with pen and tongue, and yet if he can not show the truth of the charge, or absence of malice, a jury will mulct him in damages. In no other action at law is such a burden put upon the defense. In other actions the prosecution must show the evil intention, the unlawful determination, of the defendant; but in this, the defendant must prove his charge true, no matter what the circumstances were under which it was made, or else suffer in damages. In other actions the prosecution must prove the defendant guilty or liable beyond a reasonable doubt; but in this, the defendant is compelled to prove his innocence. The rule, a hard one, had its origin in that era when the press was regarded as the enemy of privilege, and was created to hedge about and protect cast from the assaults of democracy. It should be changed, so that an editor charged with seeking to compass the ruin of character by publications in his paper, would stand innocent in the eyes of the law until he has been proved guilty.

Mrs. Julia Ward Howe invited Senator Sumner to dinner to meet Edwin Booth. He declined for the reason that he was "too much absorbed in the welfare of the masses to take any interest in individuals." This note was put away in Mrs. Howe's scrap book with the sharp comment that "when last heard from the Almighty had not yet reached this point."

Corbin, in his testimony before the gold speculation committee, now sitting at Washington, has exonerated the President and family from complicity in the dishonorable affair. It is said, Corbin beat Fisk and Gould at their own game, and by doing a superior article of lying succeeded in making a handsome sum of money.

Farnsworth said in the house the other day that Butler's conversion was so sudden it shamed that of St. Paul, while the light that shone about him turned the apostle's brilliancy into darkness. But, remarks the N. Y. Commercial, the light which shone around Saul came from above—that around Butler from below.

An attempt has been made to organize a vigilance committee in Chicago. This fact may be taken as conclusive evidence that the success of the late "reform" movement in that city has not worked out any good results. It may become the duty of the vigilantes to hang the reformers.

The female teachers of Chicago, who persist in using the switch, have a hard time. The local papers of that delectable city, call them "hell-cats," "priestesses of the whipping post," "barbarians," and other pet names.

William S. Groesbeck, Esq., of Cincinnati, one of the counsel of President Johnson, in the impeachment trial, is spoken of as a possible candidate of the Democracy for the Presidency in 1872.

George Washington Rogers sued Luther G. Riggs, of the Meridian (Conn.) Record, for 50,000 damages for slander. The court awarded \$10.

Several women have formed a firm of stock-brokers in New York, and have rushed into the conflict with the bulls and bears of Wall street.

Fisk has voluntarily withdrawn his libel suits against the New York Tribune and paid the costs to date.

The Pope has issued a bull against the Fenians of America and Ireland.

Caleb Cushing writes Secretary Fish's dispatches.

There is a ministerial crisis in Bavaria.

WHAT WASHINGTON ADVISES WOULD BE.

Gen. Fagan made the best speech of his life lately on the removal of the capital question. In answer to the argument against removal, that the Father of his Country placed the capital where it is, Gen. Logan said:

"Could Washington now arise from his tomb on the bank of the Potomac and look abroad over the mighty empire which claims him as its father, he would stand amazed. Could he see a nation twenty millions strong, peopling the great valley which in his day was our western limit; could he gaze upon the population which is rolling up against the far-off Pacific coast, which was then terra incognita, what, think you, would be his advice on this subject? Sir, his sense of justice would force him to say, 'Carry it into the midst of the people; cherish, my children, a kind regard for the old homestead, but go forth to the glory that awaits you.'"

Jim Shoaff, editor of the Decatur Magnet, proposes to run for Mayor of the village he adorns. If Jim will take good advice, he won't do any such thing, but will stick to his pen. Why, to be Mayor is to be bored morning, noon and night by all kinds of people, about all kinds of business; and then, the honor is outweighed by the abuse. Every little, insignificant nobody, and the malicious fellows who can't have their own way, take aim at "his honor," and fire away. Don't, Shoaff.

The Chicagoans are indignant because Governor Palmer, upon the petition of the Mayor of Chicago, and nearly all the members of the Board of Aldermen, commuted the sentence of Walsh, the wife-murderer, from hanging into imprisonment for life. The petition charged the wife of Walsh with unfaithfulness to her marriage vows. The Governor cannot properly be blamed. He acted properly. The worst of men are too good for hanging, which is neither a punishment nor for a preventive of crime.

THE CHICAGO MAGAZINE.

The "Western Monthly" for February is a little behind time, but compensates for the delay by the excellence of its contents. Each succeeding number of this periodical shows improvements and presents additional claims why the magazine readers of the west should give it their cordial patronage. It represents Western men, Western literature, and Western ideas, and it should receive genuine Western encouragement. The biographical sketch in this number is devoted to Hon. John D. Eaton, and is accompanied by one of the Western Bank Note and Engraving Company's admirable steel portraits. George Sand's latest interesting story, "The Rolling Stone," advances three more chapters, giving us in the last a pleasant glimpse into the Parisian theatres. George W. Burgey contributes a very pleasant descriptive poem called "Snow Architecture." Agriculture and Protection is an argument on the application of free trade to agriculture which we especially commend to Western farmers. E. F. Evans contributes his second paper upon "Sign-Boards," which is full of quaint and curious information. "Marcia Heathton" is the title of a brief but very pretty story, by "F. L. R." George P. Upton has compiled the "Musical progress of Chicago" in very compact shape, giving a complete record of the operatic and concert history of the city, and the organization and growth of home societies from the year 1830, which may be called the first musical year of the city, to the present time. The article is of special value to all musicians and connoisseurs as a means of reference. Professor William Matthews, of the University of Chicago, has made up a very interesting dissertation upon any collection of epigrams. The Western Monthly, like the other magazines, has its say upon the Chinese question in an article by H. Roundy, who has lived twenty years among them, and is, therefore, qualified to speak. "The Most He Could Do" is a very happy title to a very pleasant story by James B. Runyon, Literary Editor of the Times. The plot of the story is laid in England and Italy, and apart from the thread of the narrative, brings up some very interesting reminiscences of student life in Rome, and the experience of the students. The story is told in a very smooth, easy way, and is one of the pleasant papers in the magazine. The Current Notes, Book Notices, and Chat-Chat are very sprightly and readable.

LIPPINCOTT'S MAGAZINE.

For February, it contains: "The Vicar of Bullhampton," part VIII; "The Bird," a poem; "The Penn Family," "Match Making," "Under False Colors," "High Life, or Sketches in Switzerland," "The Freedman and his Future," part II; "Beyond the Breakers," a novel; "An extraordinary Episode," "The Report of the Special Commissioner," "Edwin M. Stanton," a secret history of Lincoln's cabinet; "Our Monthly Gossip," Literature of the Day.

The conductors of "Lippincott's Magazine" have made ample and attractive arrangements for the current volume. There is nothing about it but recommends to the highest and best culture. Its contents are always varied and instructive, embracing as it does, several novels, tales, sketches of travel, adventures, essays, poems and papers on popular topics of the day—and all by the ablest writers. Yearly subscription \$4 00. Address J. B. Lippincott & Co., 715 & 717 Market Street, Philadelphia. It is kept for sale by Rockwell & Co.

The Fremonts.

What John C. and Jessie Look Like.

"Gath," the Washington correspondent of the Chicago Tribune, writing under a late date, says:

I never saw Jessie (Benton) Fremont till last Saturday, when she came in to dinner at the Arlington Hotel with her husband, and they sat down in my angle of vision for an hour. Mrs. Fremont is a large, fat blonde, with a sharp, up-turned nose, a good complexion, a bright eye, lighted up partly with humor and partly with intentional high spirits, and her carriage, health, "bounce," and ripe brown, nutty tints made rather an agreeable little tale. She probably weighs about 180 pounds, while the little General has scarcely the height of 130. He is of outempered gray whiskers and spliced gray hair, encompassing his little French face like furze, and two black, frightened eyes stare out like a rabbit's. Partly an exquisite and partly an adventurer's is his face, yet with some aristocratic smallness and delicacy of features in it. She has a pronounced American face, somewhat too much self-possessed and self-conscious.

The Law of Libel.

The Proposed Amendment to the Constitution.

[From the Chicago Tribune, Jan. 27.]

Mr. Medill has presented to the State Convention the memorial of the Newspaper Association of Illinois, praying that the Constitution be so amended that in prosecutions for libel, publishers shall be placed upon an equal footing with all other defendants, and be relieved from those legal presumptions which exist in no other class of suits. The memorial asks no exemptions from the ordinary rules of justice. It only asks that the law of libel be modernized, and divested of those arbitrary and oppressive requirements which have come to us from days when the publication of a newspaper in any form was considered an outrage upon special privileges.

In some of the States the law of libel has been so modified that, while it maintains a strict responsibility for injury and provides adequate punishment for malicious defamation, it discriminates between accidental or inadvertent injustice and that which is the result of deliberate or malicious intent. In England this distinction has been substantially established by the progressive liberality of the Courts, and, while a malicious libel is nowhere more severely punished, the Courts have resolutely set their faces against all prosecutions for mere technical libels, and against vindictive damages when there is no intent to injure and a ready disclaimer is made. The result of this has been the cultivation of a spirit of courtesy and fairness between the press and the public. On the one hand, when injustice is done the newspaper is open to the injured party for redress; and where an unjustifiable libel is committed the Courts hold the guilty to a strict responsibility. The end obtained is full and substantial justice to both sides, a result which is hardly obtainable under the present state of the law in Illinois and some of the other States.

[From the People's Transcript, Jan. 27.] On Tuesday, Mr. Medill presented to the Convention the resolutions passed by the Illinois Press Association, at its Cairo meeting, which were that actions for libel be governed by the same principle as other actions; that the defendants be not required to prove a negative, and that the plaintiff be required to prove a malicious intent; also, that the publication of the laws of the State be required in the papers of the State.

These resolutions cover ground so reasonable and just, that their incorporation into the proposed Constitution should be secured; and if the Constitution itself be rejected, it should be the duty of the next legislature to give place in the statutes for their legal embodiment. The present law of libel is an unmitigated humbug.

[From the Springfield Journal, Jan. 28th.] The appeal for a more specific definition of libel, is based, we believe, upon the fact that malicious prosecutions sometimes grow out of errors unintentionally committed by the press from false information or otherwise, and there are not wanting instances where vexation and expensive litigation, followed by a verdict for heavy damages, has grown out of such cases, even after prompt and voluntary correction has been made of the injurious statement. Such an instance occurred in a suit against a Chicago newspaper a few months ago. In that case a statement, affecting the character of one or more persons, had been written out and placed in type under a misapprehension of facts; but more trustworthy information having been received, orders were given by the editor directing that the article be omitted. By an inadvertence on the part of the foreman of the "composing room" in making up the paper, the offensive article was inserted, and though a correction promptly appeared next day an expensive libel suit was the consequence, resulting in a verdict of six or seven thousand dollars damages. A new trial, however, was granted, which resulted in reversing the verdict of the jury on the first trial.

This and other like instances illustrate the injustice of a law of libel, which permits prosecutions when the error was not intentional, or when there was every reason to believe the statement true, and when it was not only made without any malice, but was promptly corrected when the error was discovered. There would be evident justice in placing printed libel upon the same ground as spoken slander, making malice or wanton persistence in a defamatory statement a necessary ingredient of the crime.

The justice of the propositions of the

above memorial in reference to the publication of the Laws in the newspapers of the State, with a view to giving information to the people in reference to the laws under which they live, and which they are expected to obey, is so apparent, that at least three propositions on the subject have already been presented to the Convention from as many different members. There are precedents for this course in New York, Ohio, Michigan, Maine and other States.

An effectual remedy for small-pox is said to have been recently found by a surgeon of the British army in China. The mode of treatment is as follows: When the preceding fever is at its height and just before the eruption appears, the chest is rubbed with croton oil and tincture of opium. This causes the whole of the eruption to appear on the part of body to the relief of the rest. It also secures a full and complete eruption, and thus prevents the disease from attacking the internal organs. This is now the established mode of treatment in the English army in China, and is regarded as a perfect cure.

The Charleston (Mo.) 'Courier' of the 29th of January says, that "though the efforts of the Government of Arkansas, arrangements have been made with heavy New York capitalists, whereby the work of making the levee down the west bank of the Mississippi, from the highlands of Missouri to the mouth of the St. Francis river will be immediately commenced, and vigorously prosecuted to completion. The plan is to build a railroad, the bed of which shall be a solid embankment, thus securing a substantial levee by individual enterprise, and such State aid as may be granted, without waiting for, or asking assistance from the National Government."

The people of Cairo are determined to have manufactures. They have held meetings, and appointed a highly respectable committee from the members of the City Council to solicit attention from manufacturers abroad. They offer land or lots in sufficient quantity to accommodate any manufacturing business, free of cost, and other encouragements to parties desiring to locate there for manufacturing purposes. — Illinois State Journal.

A HORSE-SHOE MAKING CONTEST. A contest between two rival blacksmiths of Omaha, R. M. Stratton, and Andrew Manning, took place on the 25th. The match was for \$50 aside, the stakes to be awarded to the man who could turn off one hundred horse-shoes, completely made, with the exception of the corks, in the smallest space of time and with the best show of workmanship. Stratton made one hundred and one horse-shoes in two hours and fifteen minutes; Manning accomplished his one hundred after laboring two hours and thirty minutes. The Judge decided that the work of each was equally good, and awarded the prize to Stratton on the ground of quickness, he beating his opponent eleven minutes.

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